

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-20 are presented in this application and remain pending.

Allowable Subject Matter

The indication of allowable subject matter in claims 2-4, 6-8 and 16 is noted and appreciated.

Claim Objections

The Action asserts that the word “support” in claims 1, 19 and 20 in the recitation “the running gear unit support a midway section” should be changed to “supports”. Applicant respectfully disagrees. The Action has not considered the complete context of the limitation at issue, which is “...a support unit *for making the running gear unit support* a midway section of the exhaust pipe...”. “Support” is grammatically correct in this context and applicant submits that the rejection should be withdrawn.

Claim Rejections -35 USC 112

The Action rejects claims 1-20 under 35 USC 112, second paragraph, as indefinite. In particular, the Action states that the Examiner is unclear as to what a “saddle-riding-type vehicle” is. In response, applicant submits that the term is self-explanatory, and is also a well known term of art. A saddle-riding-type vehicle is, as the term implies, a vehicle in which the operator rides in a saddle. Those of ordinary skill in the art readily understand a saddle-riding-type vehicle to be a motor scooter (see specification, page 8, paragraph 38), motorcycle or some other vehicle in which the operator rides or sits in a saddle.

Applicant believes that the Examiner may consider use of the word “type” as rendering the claims indefinite. For this reason, applicant has amended each of claims 1-20 to recite a “saddle riding” vehicle rather than a “saddle-riding-type” vehicle, and submits that the rejection should be withdrawn.

Claim Rejections – 35 USC 102(b)

Claims 1, 5, 9-15 and 17-20 are rejected under 35 USC 102(b) as anticipated by Cooksey et al. (USP 6,193,004) ("Cooksey"). Because Cooksey does not disclose each and every limitation of independent claims 1, 19 and 20, applicant replies that claims 1, 5, 9-15 and 17-20 are not anticipated by Cooksey and submits that the rejection should be withdrawn.

The Action asserts that Cooksey's lower member 95 corresponds to the claimed "first bracket provided on the running gear unit" and that Cooksey's bracket 92 corresponds to the claimed "second bracket provided on the midway section of the exhaust pipe". Applicant disagrees. Lower member 95 is not provided on a running gear unit as is explicitly required by claims 1, 19 and 20. Rather lower member 95 is a lower member of the *vehicle frame* 14 (Cooksey, column 2, line 67 to column 3, line 1).

Moreover, Cooksey's studs 94 are not *vertically arranged* to engage a *rear part* of lower member 95 and a *front part* of bracket 92 *in a fore-and-aft direction*, as is explicitly required by independent claims 1, 19 and 20. This distinction is readily apparent by a visual comparison of applicant's Figure 5 with Cooksey's Figure 2.

First, with reference to applicant's Figure 5, it can be seen that applicant's engaging members 31 are *vertically arranged*. That is, the engaging members 31 are spaced apart vertically. Secondly, engaging members 31 engage a *rear end* part of first bracket 28 with a *front end* part of second bracket 30 in a *fore-and-aft direction*. That is, second bracket 30 extends from engaging members 31 in a "fore" direction (towards the front of the vehicle), while first bracket 28 extends from engaging members 31 in an "aft" direction (towards the rear of the vehicle). Thus, claims 1, 19 and 20 require:

"a pair of engaging members vertically arranged for engaging a rear end part of the first bracket and a front end part of the second bracket with each other in any relative position in a fore-and-aft direction"

Cooksey's Figure 2, by contrast, shows a completely different configuration. First, studs 94 are not vertically arranged, as required by the claims, rather, they

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are at the same vertical position and spaced apart horizontally. Secondly, a bottom part of bracket 92 engages a bottom part of lower member 95. A rear end part of one bracket does not engage a front end part of the other bracket as is required by the claims. Finally, bracket 92 and lower member 95 do not extend away from each other in a fore-and-aft direction. Rather, as depicted, they are lined up and do not extend away from each other at all in a fore-and-aft direction.

Since Cooksey does not disclose each and every element of independent claims 1, 19 and 20, it cannot anticipate those claims. Applicant submits that the rejection should be withdrawn.

Conclusion

This application is believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after consideration of this response. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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